



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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JUL 2 2 2019

Mark Zacharias
Deputy Minister of Environment and Climate Change Strategy
PO Box 9339 Stn. Prov. Govt.
Victoria, BC V8W 9M1

Dear Mr. Zacharias:

We are writing to offer input from the U.S. Environmental Protection Agency (EPA) Region 8 and Region 10 on the publicly available Implementation Plan Adjustment Summary (IPA Summary) dated February 2019 prepared by Teck Coal Resources, Ltd (Teck). The Plan Adjustment updates the actions and strategies that Teck is proposing to use to meet water quality objectives for the Elk River watershed and transboundary Lake Koocanusa. The EPA's interest in this matter is in protecting downstream waters in the U.S. from adverse impacts of mining discharges. In communicating the EPA's input to you, we also want to acknowledge the positive relationships that have been developed over the past two years between our staffs. We appreciate the Ministry's clear commitment to maintaining active communication with the EPA.

Considering the importance of this issue to U.S. interests, we had anticipated that the Ministry would provide an opportunity for U.S. federal agencies, Tribes and other interested stakeholders to offer input on the full draft Implementation Plan Adjustments. Nevertheless, we wanted to take the opportunity to offer our input on the Summary now given that we understand the IPA may be finalized soon.

The EPA appreciates that the Implementation Plan is being adjusted to ensure that water quality will be protected throughout the Elk River Valley and in Lake Koocanusa. Given the previous challenges at the West Line Creek Treatment Plant and delays in building additional treatment plants, however, the EPA remains concerned about the ability of Teck's proposed active water treatment to reduce pollutants and meet water quality objectives in Lake Koocanusa. These concerns were previously raised in a January 2018 letter from Jane Nishida of EPA's Office of International and Tribal Affairs.

In addition to our concerns regarding the treatment challenges encountered at the West Line Creek plan, the treatment technology has not been demonstrated to be effective at the large scale that is discussed in the IPA Summary. The Summary indicates that the Fording River North Active Water Treatment Plant will be five times larger than the pilot plant at West Line Creek, and that sixteen treatment plants or plant expansions will be needed rather than the nine previously proposed. Given past issues and future challenges in scaling up the technology, the EPA is concerned that it will be difficult for Teck to successfully implement the proposal outlined in the IPA Summary and meet water quality objectives into the future. The EPA notes that selenium water column concentrations continue to increase in the Elk River despite B.C.'s Ministerial Order #M113 (signed in 2014) that has a stated goal to "stabilize and reverse increasing trends in water contaminant concentrations in the short-term".

Additionally, the IPA Summary does not discuss the U.S. portion of Lake Koocanusa, and only references meeting B.C. water quality objectives at the B.C. Order Station. The EPA recommends that

the Implementation Plan Adjustments and the IPA Summary consider impacts and address water quality throughout Lake Kootenai, rather than just in the B.C. portion of the reservoir. Finally, without reviewing the full IPA, the EPA is unable to more fully assess whether the proposed approach is adequate, reasonable and clearly supported by representative data and analysis.

We look forward to our continued collaboration with the Ministry on transboundary water quality concerns in the Kootenai watershed. Recent discussions and agreements on transboundary monitoring in Lake Kootenai are a positive outcome from our ongoing dialogue. We hope that we can build upon this relationship and communication to provide enhanced opportunities for EPA and other U.S. stakeholder engagement in these critical decisions affecting water quality in the U.S. Should you have questions, please feel free to contact Greg at 303-312-6170 or have your staff contact Ayn Schmit at 303-312-6220 or schmit.ayn@epa.gov.

Sincerely,



Gregory Sopkin
Regional Administrator
EPA Region 8



Chris Hladick
Regional Administrator
EPA Region 10

Cc: Chad McIntosh, EPA Assistant Administrator for International and Tribal Affairs
Shaun McGrath, Director, Montana Department of Environmental Quality
Ron Trahan, Chairman, Confederated Salish and Kootenai Tribes
Gary Aitken, Jr, Chairman, Kootenai Tribe of Idaho